

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KIRK ANDERSON,

Defendant.

Case No. CR08-1332

ORDER REGARDING COUNSEL

On the 24th day of February 2009, this matter came on for hearing on the letter (docket number 23) from Defendant Kirk Anderson to Chief Judge Linda R. Reade, dated February 17, 2009. The Government was represented by Assistant United States Attorney Daniel C. Tvedt. Defendant Kirk Anderson appeared personally and was represented by attorney Rick Sole.

Defendant asks that he be permitted to represent himself at the time of trial. In his letter, Defendant states that he would like to have Mr. Sole “removed from my case” and that “I feel I can best represent my own case at time of trial.” Defendant concluded his letter by asking “[h]ow would I go about represent[ing] myself?”

At the time of hearing, the Court addressed Defendant in detail regarding the problems and pitfalls associated with self-representation. The Court warned Defendant that while he has some experience in the criminal justice system, he does not have the training or experience which would allow him to effectively represent himself. Defendant acknowledged his limitations in that regard. Nonetheless, Defendant insisted that he be permitted to exercise his constitutional right of self-representation. *United States v. Edelmann*, 458 F.3d 791, 808 (8th Cir. 2006) (“While the Sixth Amendment does not

explicitly guarantee the right of self-representation, such a right is ‘necessarily implied by the structure of the Amendment.’”).

The Court finds that Defendant “knowingly and intelligently” waived his right to counsel after having been advised of the dangers of self-representation. *Id.* Accordingly, the Court concludes that Defendant’s request to represent himself should be granted. Mr. Sole was advised, however, that he would remain as stand-by counsel and should continue to prepare for trial.

ORDER

IT IS THEREFORE ORDERED that Defendant’s request to represent himself (docket number 23) is hereby **GRANTED**. Defendant will be permitted to represent himself at the time of trial, with Mr. Sole attending as stand-by counsel.

DATED this 25th day of February, 2009.



JON STUART SCOLES
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF IOWA